

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CHRISTOPHER A. EASON, SR.

PETITIONER

v.

Case No. 5:18-cv-00109-KGB

WENDY KELLEY

RESPONDENT

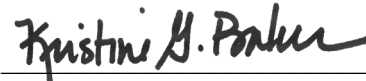
ORDER

Before the Court are the Findings and Recommendation submitted by United States Magistrate Judge Patricia S. Harris (Dkt. No. 16). Judge Harris recommends that petitioner Christopher A. Eason, Sr.'s petition for a writ of *habeas corpus* be dismissed as time-barred. Mr. Eason filed a timely objection to Judge Harris' Findings and Recommendation (Dkt. No. 19). Mr. Eason's objection largely reproduces the factual allegations and legal arguments raised in his *habeas* petition and reply in support thereof. After careful review of the Findings and Recommendation and Mr. Eason's objection thereto, as well as a *de novo* review of the record, the Court finds no reason to alter or reject Judge Harris' decision.

The Court writes separately to express its agreement with the Judge Harris' conclusion that Mr. Eason has not complied with the Antiterrorism and Effective Death Penalty Act of 1996's one-year statute of limitations, *see* 28 U.S.C. § 2255(f), and that equitable tolling of the limitations period is not appropriate here. The Court also agrees with Judge Harris that, on the record before it, Mr. Eason is not actually innocent of the first-degree battery charges. At the same time, the Court shares Judge Harris' concern that Mr. Eason "will not receive appellate review of his conviction and 285-year sentence." (Dkt. No. 16, at 13). Yet, that "harsh" result is the consequence of Mr. Eason's knowing and voluntary waiver of his right to counsel and lack of diligence in appealing his conviction and sentence (*Id.*).

Accordingly, the Court adopts the Findings and Recommendation in their entirety as this Court's findings of fact and conclusions of law (Dkt. No. 16). The Court dismisses Mr. Eason's petition for a writ of *habeas corpus* and denies the relief requested therein (Dkt. No. 2). The Court declines to issue a certificate of appealability. Mr. Eason may still apply to the Eighth Circuit for a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B).

It is so ordered this 14th day of June, 2021.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge